

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARCH SPECIALTY INSURANCE	:	CIVIL ACTION
COMPANY	:	
	:	
v.	:	
	:	NO. 24-2491
CLR CONSTRUCTION LLC	:	

MEMORANDUM

Bartle, J.

September 5, 2024

Plaintiff Arch Specialty Insurance Company has sued Defendant CLR Construction LLC in this diversity action for failure to pay an additional premium of \$167,715 and the required Delaware Surplus Lines Tax of \$5,031.45.

Defendant was served with the complaint on June 13, 2024, but no attorney has entered an appearance on defendant's behalf and no answer or other response has been filed. The court clerk entered a default on July 26, 2024. Plaintiff has now filed a motion for default judgment pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure. Plaintiff seeks the sum certain of \$172,746.45 as stated in the complaint plus prejudgment interest and \$704.50 in costs. Prejudgment interest under Pennsylvania law runs from December 30, 2021, the date the premium and Delaware Tax were due, at the rate of 6% simple interest per annum and amounts to \$27,857.14. See 41 Pa. Cons. Stat. § 202.

Having reviewed the undisputed record, the court finds that prejudice would result to plaintiff if default judgment is denied, that defendant does not have a litigable defense, and that defendant's delay is due to culpable conduct. See Chamberlain v. Giampapa, 210 F.3d 154, 164 (3d Cir. 2000).

The Plaintiff's motion for default judgment will be granted. Plaintiff is entitled to a total amount of \$201,308.09.